
TITLE 327 WATER POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

LSA Document #06-179

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING CLASSIFICATION OF WASTEWATER TREATMENT PLANTS AND THE EXAMINATION AND CERTIFICATION OF WASTEWATER TREATMENT OPERATORS**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to [327 IAC 5-22](#) concerning the classification of wastewater treatment plants and the examination and certification of wastewater treatment operators. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: LSA Document #06-179, July 1, 2006, Indiana Register (29 IR 3432).

CITATIONS AFFECTED: [327 IAC 5-22](#).

AUTHORITY: [IC 13-14-9](#); [IC 13-18-11](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

In 2004, a citizens' petition to the Water Pollution Control Board (WPCB) requested rulemaking action to require a minimum ratio of 10 parts of receiving stream water to one part of treated wastewater effluent (10:1 dilution) to provide sufficient dilution in streams receiving discharges from wastewater treatment plants. The result of the subsequent public hearings held on this petition was a recommendation by the WPCB to initiate a rulemaking concerning operation, maintenance, and management for small wastewater treatment plants. A workgroup was formed to study problems at small wastewater treatment plants. The workgroup met and held discussions through much of 2005 and provided a final report to the WPCB in February 2006. Of the recommendations by the workgroup, one was to make modifications to the existing rule at [327 IAC 5-22](#) for the classification of wastewater treatment plants and the examination and certification of wastewater treatment operators. The workgroup determined that a portion of the problems at small wastewater treatment plants, and all treatment plants as well, concern operator issues. Some of the problems include: (1) an operator being in responsible charge of too many treatment plants or plants at too far geographical distance from one another for the operator to be able to give sufficient attention to the treatment needs of each; (2) operator qualifications and classifications; (3) continuing education; and (4) what constitutes responsible charge of a treatment plant.

While the original citizen's petition focused on small wastewater treatment plants, especially package treatment plants, and their operators, this rulemaking addresses operators of any size wastewater treatment plant and collection system.

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule is required under federal law. This rule is authorized under [IC 13-18-11](#).

Potential Fiscal Impact

Wastewater treatment operator certification and examination is currently required under state law. Amendments to [327 IAC 5-22](#) were developed through a workgroup process. The most significant change from the existing rule is the inclusion of an apprenticeship program to allow an individual to take the wastewater treatment operator's certification examination before fulfilling the education or experience requirements for certification. This change will increase the pool of applicants to become certified operators but will not create fiscal impact for the individual or the wastewater treatment plant employer beyond what expense may currently be incurred to hire or train a certified operator. Of the alternatives discussed in the First Notice of Comment Period, the draft rule includes the following:

- (1) Amendment to [327 IAC 5-22-13\(c\)](#) to be consistent with state statute regarding a provisional wastewater treatment operator's certification.
- (2) Specificity regarding technical versus general continuing education courses in [327 IAC 15](#).
- (3) No new wastewater treatment plant or collection system classifications. The operator-in-training classification has been eliminated.
- (4) The addition of the wastewater treatment operator apprenticeship.

- (5) Specificity of the term "adequate supervision" in [327 IAC 5-22-10.5](#) regarding a certified operator being in responsible charge of more than one wastewater treatment plant.
- (6) No new fees.

Public Participation and Workgroup Information

An external workgroup met monthly March through September 2006 to discuss issues involved in this rulemaking and develop the rule amendments. The workgroup was made up of IDEM staff and representatives of the various certified wastewater treatment operators' associations in Indiana as well as the Indiana Association of Cities and Towns, industrial operators, and training providers.

If you wish to provide comments to the workgroup on the rulemaking, please contact MaryAnn Stevens, Rules Section, Office of Water Quality at (317) 232-8635 or (800) 451-6027 (in Indiana). Please provide your name, phone number, and e-mail address, if applicable, where you can be contacted. Members of the public are also encouraged to submit comments and questions to workgroup participants who represent their particular interests in the rulemaking.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from July 1, 2006, through July 30, 2006, regarding amendments to [327 IAC 5-22](#) concerning the classification of wastewater treatment plants and the examination and certification of wastewater treatment operators. IDEM received comment letters from the following parties by the comment period deadline:

A.W. Goodman & Associates, Inc. (AWG)
Brumbaugh, Jim, Certified Operator-Industrial (JB)
Delta Chemicals & Equipment, Inc. (DCE)
Emhart Teknologies (ET)
Galloway, Tim, Certified Operator-Industrial (TG)
Graham, Jeff, Certified Operator-Industrial (JG)
Hardy, Scott E., Certified Operator-Industrial (SEH)
Indiana Industrial Operators Association, Inc. (IIOA)
JWB Environmental Engineering (JWB)
Lee, J. Daniel, Certified Operator-Industrial (JDL)
Martin, Martha, Certified Operator-Industrial (MM)
Martin, Thomas H., Certified Operator-Industrial (THM)
Reynolds, Dale W., Certified Operator-Industrial (DWR)
Townsend, Joan, Certified Operator-Industrial (JT)
Wood, Stuart, Certified Operator-Industrial (SW)

Following is a summary of the comments received and IDEM's responses thereto:

General Comments

Comment: The Indiana Industrial Operators Association represents eight hundred thirty (830) licensed industrial operators in the state of Indiana. The IIOA Board of Directors and its members are concerned about the opening of the wastewater rule and changes that are being proposed to the rule. The IIOA is opposed to any changes in the rule and suggests that changes to the rule should be withdrawn. (IIOA)

Response: IDEM is aware that misunderstanding about the rulemaking process has grown since news became known among treatment operators that the existing rule at [327 IAC 5-22](#) is under consideration for amendment. Many organizations believed that IDEM had already proposed specific rule language that covered a variety of issues and many concerns were raised. IDEM wishes to emphasize that at the point in time of the first notice there was no proposed rule language. The first notice printed in the Indiana Register on July 1, 2006, contained a list of alternative topics to be considered within the rulemaking. Those topics became the foundation for workgroup discussion and led to various drafts of possible rule language. The second notice contains draft rule language decided upon through the workgroup process and in consideration of the comments received during the first notice comment period.

Comment: Based on technical, economic, legal, and policy review, profound errors, arbitrary assumptions, and critical omissions exist in IDEM's proposed changes to the wastewater operator rule at [327 IAC 5-22](#). As a result, the proposed changes to the rule must be withdrawn. (MM)

Response: As noted above, the first notice contained no proposed rule language. The first notice printed in the Indiana Register on July 1, 2006, contained a list of topics to be considered within the rulemaking, not specific language referred to in the above comment. Those topics became the foundation for workgroup discussion and led to various drafts of possible rule language. In learning about that language, some operators believed IDEM had made the decision to incorporate that language as final rule amendments. The second notice contains draft rule language decided upon through the workgroup process and in consideration of the comments received during the first notice comment period.

Comment: Any changes made to the existing operators rule at [327 IAC 5-22](#) should be targeted toward

helping the industry by increasing the number of operators. Commissioner Easterly in his Keynote Address at the Indiana Industrial Operators Association Annual Conference in April (2006) indicated that "industry is not the problem, today, it is nonpoint source." Many times it is more cost effective for industry to use contract operators. This is because the cost of having an operator on staff is, for example, with a Class A operator, close to \$40,000 per year with benefits. Contract operators can do the job at lower cost because of economies of scale. The proposed rule changes could take away this advantage and result in much higher operating costs for industry. This could result in additional plant closings as happened this year at Kermia Chemical, Fortville (50 jobs) and Saputo Cheese, Peru (73 jobs). (THM, JT)

Response: The intended result of this rule is to facilitate the entry of individuals into the occupation of wastewater treatment through an apprenticeship opportunity and to promote excellence among wastewater treatment operators for the ultimate goal of protecting Indiana waters receiving treated wastewater discharged from wastewater treatment plants.

Comment: The stated purpose of opening the existing wastewater treatment operator rule was a lawsuit alleging dilution credit issues, but nowhere in the model is the dilution credit issue addressed. IDEM once before tried to open this rule to place additional liabilities and restrictions on the operator. That rulemaking action was met with much opposition as it is now that the water rule was divided from the wastewater rule so it could continue with water rulemaking. It would appear that IDEM has opened the rule to further regulate operators and dictate management practices to an already heavily regulated industry. When IDEM tells employers how many hours employees must work for oversight, it has crossed the line and, in fact, is directly managing the industries wastewater treatment plants. The law provided language stating adequate oversight. The language of the law recognized that only conditions at a plant can dictate what is truly adequate from one day to the next. Perhaps a better measure of compliance would be the language provided by the EPA addressing significant non compliance and remedies. (MM)

Response: As noted above, the first notice contained no proposed rule language. The first notice printed in the Indiana Register on July 1, 2006, contained a list of topics to be considered within the rulemaking, not specific language referred to in the above comment. Those topics became the foundation for workgroup discussion and led to various drafts of possible rule language. In learning about that language, some operators believed IDEM had made the decision to incorporate that language as final rule amendments. The second notice contains draft rule language decided upon through the workgroup process and in consideration of the comments received during the first notice comment period.

Comment: IDEM should create a Certification Review Board as has been done in the past. This board should oversee and review certification applications forwarded by IDEM staff, consider regular rule updates, and address specific operator enforcement action with recommendations for legal action by IDEM. This board should be composed of Class IV and Class D operators with a minimum of five years experience in Indiana. (AWG)

Response: Formation of a certification review board with the powers suggested in the comment and composed of non-IDEM staff is beyond IDEM's statutory authority. Prior to establishment of the workgroup to discuss a list of alternatives to be considered within the rulemaking, IDEM certification staff had been meeting with trade association representatives on a quarterly basis. It is the intention of IDEM that these quarterly meetings be reconvened as needed to discuss implementation of the wastewater certification and continuing education programs.

Comment: The rule language concerning what is technical versus what is general education needs to be clarified. (JDL, DWR, ET)

Response: Based on workgroup discussion, the second notice contains draft rule language in Section 16 to clarify technical versus general course topics.

Comment: The proposed rule changes make the assumption that industrial and municipal wastewater treatment are the same in nature. The majority of municipal treatment systems involve large continuous flows with biological processes. In contrast, the majority of industrial treatment systems consist of physical and chemical treatment. For example, the requirement for an A-SO operator to be on-site three days a week for oversight of a settling tank or screening of solids appears to be overly burdensome. Furthermore, many industrial systems are batch discharges of small volumes. According to the proposed rule, an operator will not receive credit for visiting more than one site a day even though the treatment process may involve little or no hands-on work and the inspection may only take an hour. This is even more evident in treatment systems for ground water remediation systems, which require a Class B operator and require little oversight during normal operation. (DCE, IIOA, JG, SEH, SW)

Response: As noted above, the first notice contained no proposed rule language. The first notice printed in the Indiana Register on July 1, 2006, contained a list of topics to be considered within the rulemaking, not specific language referred to in the above comment. Those topics became the foundation for workgroup discussion and led to various drafts of possible rule language. In learning about that language, some operators believed IDEM had made the decision to incorporate that language as final rule amendments. The second notice contains draft rule language decided upon through the workgroup process and in consideration of the comments received during the first notice comment period and does not make the assumption that industrial and municipal

wastewater treatment are the same in nature.

Comment: Changes to the existing wastewater treatment operators rule are unnecessary for the industrial category because industrial treatment is already effectively regulated through an existing framework of federal, state, and local standards that protect the waters of the United States. There is no distinction between a municipal and industrial plant in the proposed rule change. Based on the minimal benefits that can theoretically be derived from this rulemaking, IDEM should use its discretion, under the Clean Water Act and relevant case law, not to regulate this industry further. Any persistent or unique localized water quality concerns are either being addressed, or can be in the future, by EPA's Total Maximum Daily Load (TMDL) regulation promulgated in July 2000. (MM)

Response: The intention of this rulemaking is to both facilitate the entry of individuals into the occupation of wastewater treatment through an apprenticeship opportunity and promote excellence among wastewater treatment operators for the ultimate goal of protecting Indiana waters receiving treated wastewater discharged from wastewater treatment plants.

Comment: It is very difficult to determine the overall benefits of the proposed rule changes. Facilities have spill control plans, slug control plans, alarm systems, and continuous monitoring to ensure they are aware of any abnormal conditions in the wastewater treatment system. Workers spend hours in training, which is required for staff to understand what to do and who to notify in case of problems. In many cases, a facility may not know that a problem occurred until sampling results are received because problems cannot be identified just by looking at the wastewater. For many analytical tests, results may take a week or longer to be available. Therefore, what benefit is there to establishing a rule requirement for an amount of time a certified operator must be on-site when the amount of time spent at a location is not what dictates facility compliance? (DCE, IIOA, JG, SEH, SW, DWR, ET, MM)

Response: This rulemaking originated from concerns from citizens around the state of Indiana who expressed concerns that small package plants around the state were often out of compliance with permit requirements, due to several factors including a lack of resources devoted to operation and maintenance of facilities, a lack of oversight by IDEM, as well as a lack of trained personnel on-site to ensure that a facility is operating correctly. The second notice language, which is now being distributed, does not include a specific time requirement at these facilities.

Comment: IDEM should assess compliance against permit requirements to determine if a facility has adequate oversight from its certified operator. If IDEM feels a facility does not have adequate oversight, the issue should be resolved through an enforcement action. If there are violations and deliberate criminal acts, IDEM already has the authority needed to take enforcement action. (DCE, IIOA, JG, SEH, TG, SW, JDL, DWR, ET, MM)

Response: The second notice contains draft rule language decided upon through the workgroup process and in consideration of the comments received during the first notice comment period. Draft rule language in Section 10.5 addresses "adequate supervision" by the certified operator in responsible charge and the action that could result by the initiation of an enforcement action if the performance requirements and limits of each wastewater treatment plant under the responsible charge of a single certified operator are not being achieved.

Comment: IDEM should not mandate the means, methods, or time a certified operator utilizes on-site at a wastewater treatment plant but should instead rely on the operator to make appropriate professional judgment and take enforcement actions based on violations. (AWG)

Response: Draft rule language in Section 10.5 addresses "adequate supervision" by the certified operator in responsible charge and the action that could result by the initiation of an enforcement action if the performance requirements and limits of each wastewater treatment plant under the responsible charge of a single certified operator are not being achieved.

Issue: Definition of Responsible Charge

Comment: The term "responsible charge" should not be limited to the person who signs the Monthly Monitoring Report (MMR). Many times this is a department head and not the person that actually runs and supervises the treatment system on one of the three shifts. The operator should get to log the responsible charge time if he or she is responsible for the daily operation, supervision, or management of the wastewater treatment facility. This may mean that more than one person is credited with responsible charge time toward an advanced license. (THM, JT)

Response: Section 7.3 of the draft rule provides that in Class III, IV, C, and D plants, the individual supervising and responsible for a major section of the plant or an operating shift may be credited with responsible charge experience for purposes of qualifying to take the certification exam.

Comment: The existing rule definition of "responsible charge" needs to be amended to include the task of making process control decisions. The operator in responsible charge is most definitely the person that should decide how the plant process is adjusted, controlled, and monitored. The workgroup discussions on this definition and amendments to the existing definition have developed some good redrafting of the rule language. (AWG)

Response: The second notice contains draft rule language amending the definition of "responsible charge"

operator" as decided upon through the workgroup process and in consideration of the comments received during the first notice comment period.

Issue: Environmental Benefit

Comment: Little or no additional environmental benefit can be achieved through this rulemaking due to the effectiveness of the stringent oversight of operators and because industrial companies are already meeting Best Available Technology. Contrary to IDEM's assertions, existing systems cannot merely be tweaked with additional operator oversight in order to achieve more environmental benefits when limitations on metals and other pollutants are already at low levels or detection levels. The proposed changes were derived, at best, from a lack of analysis of industry's processes and characteristics. Specifically, the absence of credible data used by IDEM is highly unrepresentative of the regulated community and cannot otherwise be supported technically, scientifically, or economically. (MM)

Response: For existing systems that are in compliance with permit terms for metals or other pollutants at already low levels, simple tweaking of a system by an operator may indeed provide little additional environmental benefit. However, this rulemaking originates from concerns raised by citizens that a large number of semi-public systems in the state of Indiana are not in compliance with permit terms and do not have operation and maintenance plans in place and do not have operators at facilities often enough to ensure that operation of the facility is sufficient to meet permit terms.

Comment: IDEM's claims are unfounded that changes to the wastewater treatment operators rule will further protect the environment. IDEM failed to perform even a simple model or judge its own data as to whether its predicted impacts were realistic. (MM)

Response: Improvement to the water quality in the state of Indiana will require a variety of strategies including assessment of waters, development of Total Maximum Daily Loads (TMDLs), devoting resources such as 319 grants to nonpoint source work, issuance of current permits, inspections targeted to facilities often out of compliance, as well as other approaches including changes to the operator certification rule. These rule changes play a part in improving the environment.

Comment: IDEM's estimate of environmental benefits is not substantiated and value is clearly overestimated. IDEM claims a range of benefits to the public and the environment as a result of the proposed rule without explicitly recognizing the considerable uncertainty in its benefits estimates. These estimates are not only uncertain but are perhaps non-existent. An extremely low benefit obviously fails to support the proposal and drastically diminishes its credibility. While wastewater treatment technologies and metal finishing processes have improved significantly over the years, it can be pointed out that our industry has already incorporated such changes and improvements and, as a result, is presently treating the generated wastewater within the existing regulations (40 CFR 413/433). (MM)

Response: Improved treatment of wastewater from metal finishing processes is laudable. Workgroup members from a wide variety of interests who participated in the process saw environmental benefits from this rulemaking.

Issue: Economic Impact of Rule Changes

Comment: The proposed rule changes will have a dramatic economic impact on the industrial community especially with regard to the proposal that Class C, Class III, Class D, and Class IV operators must be "on-site during wastewater treatment plant operation unless the plant is equipped with an automated system approved by the commissioner." The operators affected by this proposal have the most experience and should have a higher level of expertise. These classes of operators are the most highly paid with salaries ranging from \$50,000 to \$150,000 annually for full time employment. Under this proposal, many facilities would be required to hire numerous full time operators, regardless of the compliance history of the facility. (DCE, IIOA, JG, SEH, SW, JDL, DWR, ET, MM)

Response: The second notice contains draft rule language decided upon through the workgroup process and in consideration of the comments received during the first notice comment period. The draft rule language facilitates the entry of individuals into the occupation of wastewater treatment through an apprenticeship opportunity and delineates the responsibilities of owners or governing bodies of wastewater treatment plants and the operator in responsible charge of wastewater treatment plants.

Comment: IDEM has grossly underestimated the cost for regulated industries to comply with the proposed wastewater operator rulemaking. IDEM's cost model fails to portray the true cost burdens that will be shouldered by the regulated industries and municipalities under the proposed rule. IDEM has committed a fundamental flaw in failing to take into account the additional treatment technology necessary to even approach meeting more environmental protection under the present limits. Even expensive additional treatment technology that well exceeds Best Available Technology cannot guarantee results. IDEM's estimated total annualized compliance cost of little or no additional cost per facility is unrealistic. However, based on market-based estimates of actual technology and other attendant costs for regulated industries, a more realistic calculation of the minimum annualized costs for the average firm, including additional capital equipment, automated monitoring equipment,

and labor could range from \$50,000 to \$250,000 to hire additional operators or install more effluent polishing equipment. Given that there are approximately 1,700 industrial operators, the cost to hire a full time operator at each plant could be \$85,000,000 to \$192,500,000 annually. Whatever the number is, it is far in excess of the \$500,000 that requires legislative oversight and approval. (MM)

Response: The costs estimated by the above comment are based on ideas discussed during workgroup sessions but were not included in the draft rule language included in second notice.

Comment: An additional \$150,000 to \$250,000 per year is the estimate to hire full time operators for certain classes of industrial operations. Changes to the operator rule as proposed would require these industrial facilities to employ an on-site operator full time for each shift or have an IDEM approved operator alarm notification procedure in place. These industrial facilities are operating systems designated as Best Available Technology. Retrofitting the system would involve considerable expenditures and, unfortunately, would not accomplish any additional benefit to the environment. Our parameters include analyzing heavy metals and BOD; therefore, considerable time is needed to do the analysis and there would be no method to determine if the system was in compliance or not for the purpose of notifying the operator. The operator could be notified of a change in pH or tank volume level, but, aside from that, there would be no advantage of having an automated notification system. (JDL, DWR, ET, MM)

Response: Section 10.5 of the draft rule addresses "adequate supervision" of wastewater treatment plants by the certified operator in responsible charge either on-site or through remote monitoring. The language in this section is significantly different from the comment submitted.

Comment: A rule requirement to define the number of hours or days or any similar rule language to limit the operator attendance at a wastewater treatment plant or plants is too restrictive, cannot be enforced, and has no basis for any improvement in effluent quality or process efficiency. The cost for this requirement would be very prohibitive and challenged in lawsuits and court contest by owners and their attorneys. IDEM and environmental protection should rely on the ethical decisions made by qualified operators to determine the number of hours necessary to not only keep the treatment plant operating properly but also to keep their jobs. (AWG)

Response: Draft rule language in Section 10.5 addresses "adequate supervision" by the certified operator in responsible charge and the action that could result by the initiation of an enforcement action if the performance requirements and limits of each wastewater treatment plant under the responsible charge of a single certified operator are not being achieved. The language in this section does not impose the considerable burden described by the comment, which was submitted during first notice, when rule language was not yet devised.

Comment: In addition to a requirement for automated alarm systems that will require IDEM approval, the proposed rule also requires IDEM to review and approve requests by facilities for reductions in the number of daily visits by the certified operator. Does IDEM have the resources needed to address these approvals and requests in a timely manner? (DCE, IIOA, JG, SEH, SW, JDL, DWR, ET)

Response: The second notice contains draft rule language that is substantially different from the comments above and was devised and agreed to by a wide variety of stakeholders during the workgroup process.

Comment: IDEM should use its limited resources to focus on facilities that are having compliance issues rather than creating rule requirements that will cause all facilities in compliance to spend more money without any real benefit to the environment. (DCE, IIOA, JG, SEH, SW)

Response: IDEM agrees that targeting inspection resources as well as operator assistance resources on facilities that are having compliance issues is critical. For that reason, IDEM is focusing many inspection resources on small, semi-public facilities throughout the state. IDEM also believes a variety of approaches need to be employed to address compliance issues. That is why IDEM worked, at stakeholders recommendation, to draft second notice rule language that addresses operator certification.

Comment: Dollars and cents always must be weighed in decision making. Facilities, whether municipal or industrial, are concerned with taxpayers and stockholders receiving a proper benefit for the cost, and increased costs in a non-productive part of the business are frowned upon. Mandated hiring of full-time, on-site operators while not considering compliance history is not the solution. Compliance with the permit is the directive each operator is driven to achieve. Plant observation is a great tool in maintaining compliance because treatment processes are not quick to change but normally are very resilient. A weekly visit to a plant with a known history may be adequate. A plant with minimal history may require three visits per week, for example. Compliance should be the overriding determinate for adequate oversight. IDEM maintains that only a few businesses that would suffer a small loss of income if an operator could not work at multiple treatment plants. However, there are numerous Indiana businesses which would also suffer financially as well from the requirements of having to staff a full time operator for oversight. (TG, JDL, DWR, ET, MM)

Response: Draft rule language in Section 10.5 addresses "adequate supervision" by the certified operator in responsible charge and the action that could result with the initiation of an enforcement action if the performance requirements and limits of each wastewater treatment plant under the responsible charge of a single certified operator are not being achieved. This rule language is substantially different from the concerns expressed in this comment.

Comment: The proposed changes to the wastewater treatment operators rule may result in a cost-ineffective

rule. Even if IDEM's compliance cost and environmental benefit assumptions are assumed to be correct, this rule proposal, if finalized in its current form, would be the most expensive rulemaking in the history of the state's effluent guidelines program. However, when the IDEM model and cost estimates are corrected, the proposed changes to the rule become wildly cost-ineffective and increases from present cost to as much as hundreds of thousands of dollars per facility. The proposed rule change is perhaps more expensive than the most expensive effluent guideline IDEM has ever promulgated. An economic impact analysis, if done, would no doubt yield substantial closure rates in industry. IDEM has failed to consider realistic costs associated with the rule by significantly underestimating the costs of controls and labor. Indiana can ill afford to lose anymore business due to the inability to control costs in a global economy. Placing any additional burden on our already crippled industries is irresponsible. IDEM's commissioner reported to industrial operators on April 19, 2006, that industrial discharges are not a problem in Indiana and are effectively regulated. The commissioner did mention that environmental problems are being caused by unregulated point source discharges. The proposed changes to the operator rule do not address such discharges. (MM)

Response: IDEM has no intention of creating the most expensive rulemaking in the history of the state's effluent guidelines program. This comment was submitted before rule language was drafted, and second notice language is significantly different from the concerns raised above.

Issue: Operation of Multiple Wastewater Treatment Plants

Comment: There should be no rule requirement to establish a limit on the number of treatment plants where a certified operator can be in responsible charge. There are certified operators with the capabilities and resources to be in charge of multiple treatment plants. Many factors, most too difficult to define in a rule, need to be assessed to appropriately determine if an operator is capable to be in charge of multiple treatment plants. These factors include: (1) operators with employees and staff that can assist in monitoring and controlling the treatment plants; (2) consultants and professional operations companies with multiple certified operators but only one designated for multiple treatment plants; (3) well designed and under loaded wastewater treatment plants that do not require much operational time; and (4) treatment plants that do not have discharges but the owner desires to keep the NPDES permit active. An operator in responsible charge of treatment plants that have repeated violations should be reviewed, and, only by enforcement action, should a limit be placed on the operator as to the number of treatment plants that can be under his or her responsibility. (AWG, TG)

Response: Draft rule language in Section 10.5 addresses "adequate supervision" by the certified operator in responsible charge. This rule language is significantly different from the comment above and helps to ensure that IDEM has the appropriate tools for ensuring adequate supervision at treatment facilities.

Comment: The proposed rule restrictions on the ability of an operator to contract with multiple plants creates interference in free trade. Contract operations provide advantages for both the contract operator as well as the client. The client is able to realize cost savings while at the same time have the services as required by an operator with extensive experience and education. The operator is able to oversee multiple plants and provide adequate oversight. Flexibility is the key to this oversight. (MM)

Response: Draft rule language in Section 10.5 addresses "adequate supervision" by the certified operator in responsible charge. The intent is to ensure the performance requirements and limits of each wastewater treatment plant under the responsible charge of a single certified operator are being achieved.

Comment: Indiana is on the one hand trying to attract new industries, such as Honda, and business, but, on the other hand, it is making it much more difficult to do business in Indiana. Yet, IDEM claims only a few individuals might earn a little less money if they are restricted in the oversight they can provide by changes in the rule. IDEM has no data to make the claim that only a few would be injured by the rule change. Numerous industries, who use contract operators, and individuals state they would be financially injured or even put out of business if a rule change would cause them to have to hire full-time, on-site certified operators. (MM)

Response: The comment above was made prior to the development of rule language concerning the issue of supervision of multiple treatment facilities. IDEM, with input from a wide variety of stakeholders, crafted draft rule language, which we believe is not negatively impacting individual operators who operate facilities in compliance nor would it put out of business facilities operating in compliance.

Comment: In Indiana, there are many small ground water remediation systems that operate with a general permit under [327 IAC 15-10](#). The ground water systems are designed, installed, and operated by consulting firms for the client-owner. The consulting firms often contract the services of a certified operator. The systems are generally small and discharge only a few thousand gallons of treated water per month. They are simple physical treatment systems incorporating some or all of the following treatment methods: (1) filtration; (2) oil/water separation; (3) air stripping; and (4) activated carbon absorption. Operation of the systems consists primarily of replacing filter media on a regular basis (usually weekly), occasional cleaning of the air stripper, and occasional replacement of the activated carbon. This day-to-day operation is performed by the consultant's technicians. Periodically, the certified operator inspects the systems with the technician to assure the system is being properly operated and maintained, the technician is collecting discharge samples correctly, and the proper documentation is being retained on site. The systems are constructed with automatic shut offs to shut down the system when it is

not operating properly. The systems are very reliable and as a result discharge exceedances rarely occur. If they do, the certified operator consults with the technician to determine the cause and corrective action to be taken. The most common cause for an exceedance is breakthrough on an activated carbon tank. Since most systems have two tanks in series and sampling of the flow between the two tanks is conducted, breakthrough on the first tank can be detected and the tank replaced before breakthrough can occur on the second tank. A ten year experience with these very reliable and simple systems shows that, for a system having no exceedances, a once per year site inspection by the certified operator is sufficient. If a system is having exceedances, more frequent visits by the certified operator may be warranted, but to require more frequent visits in all instances would significantly increase the cost of operating the systems and provide no environmental benefit. These systems are widely scattered around the state and significant travel time and expense are incurred with each visit. The operation of most of these systems is being paid for under the Excess Liability Trust Fund program. The rule requirements should take into account the size of the system, the nature of the system, and the reliability of the system when determining the required amount of operator time on site. Perhaps the time on site requirement could be based on the frequency of exceedances and the potential environmental harm from an exceedance. (JWB)

Response: The first notice printed in the Indiana Register on July 1, 2006, contained a list of alternative topics to be considered within the rulemaking. Those alternatives became the basis of workgroup discussions and led to various concepts for rule changes. Some believed IDEM had made the decision to incorporate these concepts in amendments to the rule. Many of those concepts were not included in rule language, including specific concerns raised about groundwater remediation systems.

Comment: The existing rule does not specify the number of treatment plants that a licensed operator may supervise. The term "adequate supervision" needs additional clarification and should include a provision for plants that are having compliance problems. For example, an operator may not be in responsible charge of more than two or three treatment facilities that have been in significant noncompliance for more than one consecutive six month period. The treatment plant's performance should be the indicator of adequate supervision and not the actual time spent on site, the number of plants supervised, or the geographic distance between the plants. (THM, JT)

Response: The second notice draft rule language in Section 10.5 clarifies the meaning of "adequate supervision" and ensures that a facility's performance is included in considering whether there is adequate supervision.

Comment: Before IDEM further regulates wastewater treatment plants and restricts operators, it would make sense that IDEM would try to understand and get a count on the number of treatment plants and their classes and the number of operators and their classes throughout the state. Rule changes that would restrict operators from having multiple plant responsibility could leave industries without the necessary correct class operators to run the plants. It is often difficult to find enough operators for all the positions that are posted in the industrial sector. Many positions are never filled. The operators in the higher classes (Class C, D, and IV) are nearing retirement age. Indiana may have a looming crisis relating to a dearth of operators. If something is not done to remedy the barrier to entry, Indiana may well be in an untenable position with laws regulating operators and not enough operators to fill those jobs. (JDL, DWR, ET)

Response: The second notice contains draft rule language that facilitates the entry of individuals into the occupation of wastewater treatment through an apprenticeship opportunity and delineates the responsibilities of owners or governing bodies of wastewater treatment plants and the certified operator in responsible charge of wastewater treatment plants.

Issue: Responsibilities of WW Treatment Plant Owners

Comment: Owners, rather than operators, have control of financial expenditures. Therefore, it is of concern that IDEM has discussed placing complete responsibility on a certified operator. If such a rule change were to be made, many certified operators may find there is too much personal liability to continue working in this important field. (HIOA, MM)

Response: The second notice draft rule language delineates the responsibilities of not only the operator in responsible charge of a wastewater treatment plant; but also those of the owner or governing body of a wastewater treatment plant. Draft rule language provides that the owner or governing body of a wastewater treatment plant shall be responsible to provide adequate funding and oversight to ensure the proper operation, maintenance, management, and supervision of the designated facilities.

Comment: The origin of this wastewater certified operators' rulemaking is from the citizens' petition presented to the Water Pollution Control Board by people in Floyd County negatively affected by numerous package treatment plants. The most common cause of the poor performance of the package plants in Floyd County is an owner's reluctance to upgrade and maintain the treatment plant rather than operator related problems. It is recommended that [327 IAC 5-22](#) and the construction permitting rules at [327 IAC 3-2](#) include amendments to require the certified operator to notify the owner by certified mail of major problems at the treatment plant. IDEM's enforcement actions for treatment plant violations reported by the operator through this notice to the owner should

be directed against the owner. (AWG)

Response: The second notice contains language that delineates the responsibilities of not only the operator in responsible charge of a wastewater treatment plant but also those of the owner or governing body of a wastewater treatment plant. Draft rule language holds the owner or governing body of a wastewater treatment plant accountable to provide adequate funding and oversight to ensure the proper operation, maintenance, management and supervision of the designated facilities.

Comment: This rulemaking effort needs to address the situation of an operator being fired by an owner though the true cause of the facility's violations is the owner's failure to make sufficient resources available to replace equipment and parts. (THM, JT)

Response: The draft rule language delineates the responsibilities of not only the operator in responsible charge of a wastewater treatment plant but also those of the owner or governing body of a wastewater treatment plant. Draft rule language holds the owner or governing body of a wastewater treatment plant accountable to provide adequate funding and oversight to ensure the proper operation, maintenance, management, and supervision of the designated facilities.

Issue: Classification of Operators

Comment: Additional classifications of operators as were discussed in the workgroup process are not needed. Discussion was held about adding a physical-chemical treatment only classification for industrial operators. As well, after changing the certification procedures so that an operator candidate can take the certification examination before fulfilling the one year of experience requirement, the operator in training classification should be eliminated. (AWG)

Response: The second notice draft language does not include additional classifications of wastewater treatment operators and eliminates the operator in training classification.

Issue: Certification Procedures

Comment: There is a lack of certified operators in the state of Indiana. Every year, exam applications are rejected because the candidate cannot meet the one year of hands-on experience requirement. College educated people or others with marketable skills will not take an entry level job working in wastewater. Typically, these jobs pay about \$15 per hour and require physical labor which may involve getting dirty. Many of the people that do take these jobs do not have the education, ambition, time, or money to prepare to take the examination. This problem could be reduced by allowing people that are managing wastewater treatment systems and have a Bachelor's Degree, to sit for a Class A exam. Then they could work their way up the certification levels by spending more time in the profession. (THM, JT, TG, MM)

Response: IDEM recognizes the concern about the lack of certified operators. The workgroup that consulted with IDEM on this rulemaking raised those concerns; therefore, IDEM drafted second notice rule language that facilitates the entry of individuals into the occupation of wastewater treatment through an apprenticeship opportunity. Apprentice candidates may qualify to sit for the wastewater certification examination prior to obtaining the formal education and experience requirements required to be a certified operator in responsible charge of a wastewater treatment plant.

Comment: The certification procedures currently in use in Indiana are in need of revision in order to encourage new, young candidates to enter the field of wastewater treatment and become certified operators. A new approach to the certification process would allow candidates to take the certification examination following submission of an application but without needing to fulfill the existing one year of experience requirement that currently prevents many individuals from qualifying to take the exam. Under the present situation, individuals are often barred from working as operators unless they have taken the operator's exam, but they cannot gain the experience required to qualify for taking the exam unless they have been working in the field of wastewater treatment. If the certification process in Indiana allowed for fulfilling all the education and experience requirements after taking the exam and certification were conferred at the time an individual had passed the exam and fulfilled the education and experience requirements, then the possibility could exist that more new candidates may enter the wastewater treatment field and become certified operators. (AWG)

Response: IDEM recognizes the concern about the lack of certified operators. The workgroup that consulted with IDEM on this rulemaking raised those concerns; therefore, IDEM drafted second notice rule language that facilitates the entry of individuals into the occupation of wastewater treatment through an apprenticeship opportunity. Apprentice candidates may qualify to sit for the wastewater certification examination prior to obtaining the formal education and experience requirements required to be a certified operator in responsible charge of a wastewater treatment plant.

Issue: Examination Offerings

Comment: The existing rule at [327 IAC 5-22](#) requires IDEM to provide a certification examination at least once per year. Traditionally, the exam has been offered twice per year and the rule could be changed to reflect this. However, IDEM should allow the exam to be taken at any time using electronic means and computerized

examinations. This possibility would allow an operator exam candidate to take the exam immediately after completing his or her educational preparation or review courses when the material is most fresh in the individual's mind rather than waiting up to as long as six months for the next exam offering. A computerized exam given at the IDEM office site would allow IDEM to proctor the exam and maintain exam security. (AWG)

Response: IDEM recognizes that certification examinations for a variety of professions are being conducted on-line. Conceptually, this could be accomplished with this certification program as well. IDEM has moved to expedite its certification program by using the Professional Licensing Agency database and software to streamline the process. At the present time, however, wastewater certification fees established by state statute do not cover the costs of implementing the existing wastewater operator certification program. A fee bill supported by IDEM during the 2007 Indiana General Assembly would have raised certification fees but did not pass during the legislative session. Due to fiscal constraints, expansion of the program to develop computerized examinations is not possible at this time.

Issue: Classes of WW Treatment Plants

Comment: The descriptions of the classifications of wastewater treatment plants in [327 IAC 5-22-4](#) and [327 IAC 5-22-5](#) comprise a very important part of the existing rule. These classifications should be revised in consideration of technology and the experiences of other states with their rule classifications of treatment plants. In existing [327 IAC 5-22](#), the various treatment plant classifications are based on flow, population equivalent, and the technology used. However, the current classifications do not reflect overload conditions or combined sewers, poor design, equipment, or construction. Industrial plant classifications, especially, do not reflect new technologies utilized. On the other hand, the existing rule does include reference to technologies that are seldom used in today's plants. An example is wet air oxidation, the operating and maintenance costs of which account for there only being one or two remaining Indiana plants with this process. Likewise, cyanide destruction is all but phased out of most industrial plants. Acid or alkali neutralization, a pH adjustment process, can require very minimal operator attention if it is accompanied with computerized process control instrumentation. (AWG)

Response: The second notice draft rule language modifies the list of chemical treatment methods and removes acid or alkali neutralization from the chemical treatment methodology list.

Comment: The idea to create another classification of industrial treatment plants for those that have only physical-chemical treatment without any biological processes should not be pursued. Industrial operators have advanced substantially in Indiana over the past thirty years and rank very highly in skills and knowledge levels when compared to other operators across the U.S. This achievement has been the result of Indiana's requirement for industrial operators to understand both biological and chemical processes. The operators of chemical wastewater treatment plants most always discharge to biological publicly owned treatment works (POTW) and need familiarity with the downstream POTW processes. (AWG)

Response: The second notice draft rule language does not include a new classification of industrial treatment plants that have only physical-chemical treatment without any biological processes.

Comment: To create separate industrial treatment plant classifications for physical-chemical as opposed to biological and to create separate exams for each of these processes would create many more administrative problems, permitting decisions, and owner costs. There are plants with screening, grinding, pH adjustment, dissolved air floatation, sequencing batch activated sludge, and sand filters, aerobic digestion, and belt presses all within the same industrial treatment process. Defining all the processes would be extremely difficult. (AWG)

Response: The second notice draft rule language does not provide that separate exams be required for industrial treatment plants that have only physical-chemical treatment without any biological processes.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#06-179(WPCB) [WW Operators Rule]
MaryAnn Stevens Mail Code 65-40
Rules Section
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251.

Hand delivered comments will be accepted by the receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Section at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with a copy of the

letter submitted through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by October 19, 2007.

Additional information regarding the operators' certification program may be obtained from Debbie Dubenetzky, Compliance Branch Chief, Office of Water Quality, (317) 233-5963 or (800) 451-6027. Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [327 IAC 5-22-1](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-1](#) Purpose

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 1. The purpose of this rule is to establish **the following**:

- (1) A classification system of wastewater treatment plants. ~~and~~
- (2) The criteria by which a person may become a ~~certified~~ wastewater treatment:

(A) apprentice; or

(B) certified operator.

The intended result of this rule is to **facilitate the entry of individuals into the occupation of wastewater treatment through an apprenticeship opportunity and** promote excellence among wastewater treatment operators for the ultimate goal of protecting Indiana waters receiving treated wastewater discharged from wastewater treatment plants.

(Water Pollution Control Board; [327 IAC 5-22-1](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 963; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 2. [327 IAC 5-22-2](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-2](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 2. ~~The requirements of~~ This rule ~~apply~~ **applies** to:

- (1) ~~a person~~ **certified operator** who works at; ~~a wastewater treatment plant in the capacity of~~
- (2) ~~a person endeavoring to become~~ a wastewater treatment **apprentice or a certified operator at; and**
- (3) ~~the owner or governing body of;~~

a wastewater treatment plant.

(Water Pollution Control Board; [327 IAC 5-22-2](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 963; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 3. [327 IAC 5-22-3](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-3](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-11-2-258](#); [IC 13-18-11](#)

Sec. 3. ~~In addition to~~ The definitions contained in [IC 13-11-2](#) and [327 IAC 1](#) **and** the following definitions apply throughout this rule:

- (1) "Acceptable experience" means employment in the actual hands-on operation, **maintenance, management, or supervision** of a wastewater treatment plant. **Acceptable** experience ~~in wastewater~~

~~treatment plant maintenance will be given fifty percent (50%) credit for operational~~ **shall be obtained under the supervision of a certified operator or by otherwise demonstrating to the commissioner that the applicant's experience for those employed solely meets the requirements described in this area.** ~~Experience in wastewater laboratory will be given full credit for operational experience for those employed solely in this area.~~ **rule.**

(2) "Applicant" means a:

(A) person seeking:

(i) **classification as a wastewater treatment apprentice; or**

(ii) certification as a wastewater treatment operator;

whether or not the person is currently employed as an operator at a wastewater treatment plant; or

(B) **training course provider seeking course approval.**

(3) "Application" means a written request ~~for certification submitted to the commissioner~~ **submitted to the commissioner** under this rule ~~addressed to the commissioner.~~ **asking for:**

(A) **classification as a wastewater treatment apprentice;**

(B) **certification as a wastewater treatment operator; or**

(C) **training course approval.**

(4) "Certificate" means an appropriate document containing the following information:

(A) Affirmation that the named person has fulfilled the requirements ~~including receiving a passing examination grade, necessary for the operation of the wastewater treatment plant or collection system for which application was made.~~ **certification as contained in this rule.**

(B) ~~The treatment plant classification that may be operated under of the issued certificate.~~ **wastewater treatment certified operator.**

(C) The date of issuance.

(D) An identification number unique to each certificate. ~~document.~~

(5) "Certification card" means a card issued to a person who has fulfilled the requirements to be a wastewater ~~treatment~~ **certified operator** and contains the following information:

(A) The name and certificate number of the person.

(B) The classification of ~~the wastewater treatment plant that the named person may operate.~~ **certified operator.**

(C) An expiration date.

(6) "Certified operator" means a person who: ~~has:~~

(A) ~~has~~ met the requirements of this rule; and

(B) ~~holds~~ a **valid current certificate and certification card** for wastewater treatment.

(7) "Commissioner" means the commissioner of the department of environmental management.

~~(7) (8)~~ "Contact hour" means a fifty (50) to sixty (60) minute instructional session:

(A) **approved by the commissioner; and**

(B) involving a qualified instructor or lecturer.

Ten (10) contact hours equals one (1) continuing education unit (CEU).

~~(8) (9)~~ "Design population equivalent" means the PE for which the plant is designed.

~~(9) (10)~~ "Population equivalent" or "PE" means the calculated population that would contribute the same amount of biochemical oxygen demand (BOD) per day using the base of seventeen-hundredths (0.17) pound of five (5) day BOD per capita per day.

~~(10) (11)~~ "Responsible charge **operator**" means the person responsible for **wastewater treatment certified operator who makes process control or system integrity decisions about** the overall daily operation, **maintenance, management, or supervision or management of a water or wastewater facility. In Class III, IV, G, or D plants, treatment plant necessary to meet the individual supervising performance requirements and responsible for a major section limits of the plant assigned permit and any applicable local ordinance or an operating shift may be credited with other regulatory requirements.** The responsible charge ~~experience.~~ **operator must assure that written and electronic monitoring reports are prepared under his or her direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The responsible charge operator certifies that, based on his or her inquiry of the persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of the knowledge and belief of the responsible charge operator, true, accurate, and complete.**

(12) "Training course" means a continuing education course that, as determined by the commissioner, deals with one (1) or more of the following:

(A) **Technical matters related directly to wastewater treatment.**

(B) **General matters related to the responsibilities of a wastewater treatment certified operator.**

~~(11) (13)~~ "Training provider" means a person or organization that conducts or presents a course training session approved under this rule.

(14) "Wastewater treatment apprentice" means a person who has successfully passed the

commissioner's wastewater treatment operator's certification examination but has not fulfilled either the educational or experience requirements, or both, necessary to qualify to be a certified operator. A wastewater treatment apprentice shall not be designated as the certified operator in responsible charge of a wastewater treatment plant.

(15) "Wastewater treatment plant" means the system of treatment works, regulatory devices, equipment, and other facilities and appurtenances installed to treat sewage, industrial wastes, and other wastes delivered by a system of sewers and other related facilities, whether owned or operated by the state, a municipality, or a person, firm, or corporation. The term does not include septic tank disposal systems. This is the definition found in [IC 13-11-2-258](#).

(Water Pollution Control Board; [327 IAC 5-22-3](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 963; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 4. [327 IAC 5-22-4](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-4](#) Classification of wastewater treatment plants; nonindustrial treatment plants

Authority: [IC 13-14-8](#); [IC 13-18-11-2](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 4. A nonindustrial wastewater treatment plant shall be classified into one (1) of five (5) classifications based on the design population equivalent of the plant according to the following:

- (1) Class I-SP includes all waste stabilization ponds, whether controlled discharge or continuous discharge, regardless of flow.
- (2) Class I includes **wastewater treatment** plants having a design population equivalent of less than two thousand (2,000).
- (3) Class II includes **wastewater treatment** plants having a design population equivalent:
 - (A) equal to or greater than two thousand (2,000); and
 - (B) less than ten thousand (10,000).
- (4) Class III includes **wastewater treatment** plants having a design population equivalent:
 - (A) equal to or greater than ten thousand (10,000); and
 - (B) less than **or equal to** forty thousand (40,000).
- (5) Class IV includes **wastewater treatment** plants having a design population equivalent greater than forty thousand (40,000).

(Water Pollution Control Board; [327 IAC 5-22-4](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 964; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 5. [327 IAC 5-22-5](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-5](#) Classification of wastewater treatment plants; industrial treatment plants

Authority: [IC 13-14-8](#); [IC 13-18-11-2](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 5. (a) An industrial wastewater treatment plant shall be classified into one (1) of five (5) classifications based on the type of treatment provided, design population equivalent, and the average daily flow according to the following:

- (1) Class A-SO includes industrial **wastewater** treatment plants having **one (1) or more of** the following:
 - (A) Primary solids removal facilities, such as settling tanks, settling ponds, sand filters, or screens, used only for removal of settleable inorganic solids.
 - (B) Tanks, ponds, centrifuges, or other facilities used to separate floatable oils and solids.
 - (C) Simple pH neutralization may be included: **adjustment**.

Wastewater flow is not a limiting factor in the **Class A-SO** classification of ~~this type of~~ industrial **wastewater** treatment plant.

- (2) Class A includes industrial **wastewater** treatment plants having **one (1) or more of** the following:
 - (A) Secondary treatment facilities **that treat wastewater loads of less than two thousand (2,000) design population equivalent**, such as:
 - (i) waste stabilization ponds whether anaerobic or aerobic;

- (ii) trickling filter;
- (iii) activated sludge-type treatment plants;
- (iv) aerated lagoons; or
- (v) other biological treatment facilities. ~~that treat wastewater loads of less than two thousand (2,000) design population equivalent.~~
- (B) Spray, broad, or ridge and furrow irrigation facilities that treat a wastewater flow of less than two hundred thousand (200,000) gallons per day.
- (3) Class B includes industrial **wastewater** treatment plants having **one (1) or more of** the following:
 - (A) Secondary treatment facilities **that treat wastewater loads equal to or greater than two thousand (2,000) design population equivalent and less than ten thousand (10,000) design population equivalent**, such as:
 - (i) waste stabilization ponds whether anaerobic or aerobic;
 - (ii) trickling filter;
 - (iii) activated sludge-type treatment plants;
 - (iv) aerated lagoons; or
 - (v) other biological treatment facilities. ~~that treat wastewater loads equal to or greater than two thousand (2,000) design population equivalent and less than ten thousand (10,000) design population equivalent.~~
 - (B) Spray, broad, or ridge and furrow irrigation facilities that treat a wastewater flow equal to or greater than two hundred thousand (200,000) gallons per day and less than one million (1,000,000) gallons per day.
 - (C) Chemical treatment facilities that process or treat wastewater flow of less than fifty thousand (50,000) gallons per day using one (1) of the following methods:
 - (i) Cyanide destruction.
 - (ii) Chromium reduction.
 - ~~(iii) Acid or alkali neutralization.~~
 - ~~(iv)~~ **(iii)** Coagulation and flocculation.
 - ~~(v)~~ **(iv)** Air flotation.
 - ~~(vi)~~ **(v)** Air stripping.
 - ~~(vii)~~ **(vi)** Wet air oxidation.
 - ~~(viii) Ion exchange.~~
 - ~~(ix) Ultrafiltration.~~
 - ~~(x) Reverse osmosis.~~
 - ~~(xi)~~ **(vii)** Activated carbon filtration.
 - (viii) Membrane filtration.**
 - (ix) Steam stripping.**
 - (4) Class C includes industrial **wastewater** treatment plants having **one (1) or more of** the following:
 - (A) Secondary treatment facilities **that treat wastewater loads equal to or greater than ten thousand (10,000) design population equivalent and less than forty thousand (40,000) design population equivalent**, such as:
 - (i) waste stabilization ponds whether anaerobic or aerobic;
 - (ii) trickling filter;
 - (iii) activated sludge-type treatment plants;
 - (iv) aerated lagoons; or
 - (v) other biological treatment facilities. ~~that treat wastewater loads equal to or greater than ten thousand (10,000) design population equivalent and less than forty thousand (40,000) design population equivalent.~~
 - (B) Spray, broad, or ridge and furrow irrigation facilities that treat a wastewater flow equal to or greater than one million (1,000,000) gallons per day and less than four million (4,000,000) gallons per day.
 - (C) Chemical treatment facilities that process or treat wastewater flow equal to or greater than fifty thousand (50,000) gallons per day and less than two hundred thousand (200,000) gallons per day using one (1) of the following methods:
 - (i) Cyanide destruction.
 - (ii) Chromium reduction.
 - ~~(iii) Acid or alkali neutralization.~~
 - ~~(iv)~~ **(iii)** Coagulation and flocculation.
 - ~~(v)~~ **(iv)** Air flotation.
 - ~~(vi)~~ **(v)** Air stripping.
 - ~~(vii)~~ **(vi)** Wet air oxidation.
 - ~~(viii) Ion exchange.~~
 - ~~(ix) Ultrafiltration.~~
 - ~~(x) Reverse osmosis.~~
 - ~~(xi)~~ **(vii)** Activated carbon filtration.
 - (viii) Membrane filtration.**

(ix) Steam stripping.

(5) Class D includes industrial **wastewater** treatment plants having **one (1) or more of** the following:

(A) Secondary treatment facilities **that treat wastewater loads equal to or greater than forty thousand (40,000) design population equivalent**, such as:

(i) waste stabilization ponds whether anaerobic or aerobic;

(ii) trickling filter;

(iii) activated sludge-type treatment plants;

(iv) aerated lagoons; or

(v) other biological treatment facilities. ~~that treat wastewater loads equal to or greater than forty thousand (40,000) design population equivalent.~~

(B) Chemical treatment facilities that process or treat a wastewater flow equal to or greater than two hundred thousand (200,000) gallons per day using one (1) of the following methods:

(i) Cyanide destruction.

(ii) Chromium reduction.

~~(iii) Acid or alkali neutralization.~~

~~(iv)~~ **(iii)** Coagulation and flocculation.

~~(v)~~ **(iv)** Air flotation.

~~(vi)~~ **(v)** Air stripping.

~~(vii)~~ **(vi)** Wet air oxidation.

~~(viii) Ion exchange.~~

~~(ix) Ultrafiltration.~~

~~(x) Reverse osmosis.~~

~~(xi)~~ **(vii)** Activated carbon filtration.

(viii) Membrane filtration.

(ix) Steam stripping.

(C) Deep well disposal systems, thermal evaporators, or incinerators used in conjunction with liquid waste disposal.

(D) Two (2) or more **industrial** wastewater treatment plants at one (1) industrial site if each independent **industrial** wastewater treatment plant is classified as a Class B or C wastewater treatment plant.

(E) An industry utilizing a highly complex wastewater treatment method.

(b) If an industrial wastewater treatment plant has more than one (1) treatment process despite having only one (1) wastewater treatment plant, that industrial wastewater treatment plant shall be classified into the classification of the most complex component of wastewater treatment performed in relation to the following factors:

(1) Secondary treatment PE.

(2) Spray irrigation volume.

(3) Chemical treatment volume.

(Water Pollution Control Board; [327 IAC 5-22-5](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 964; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 6. [327 IAC 5-22-6](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-6](#) Classification of wastewater treatment plants; reclassification

Authority: [IC 13-14-8](#); [IC 13-18-11-2](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 6. (a) A wastewater treatment plant may be reclassified by the commissioner if a change occurs to the wastewater treatment plant's operation, treatment process, or influent wastewater. The commissioner shall do the following:

(1) Consider reclassification of a wastewater treatment plant based upon information supplied by the governing body or owner in a construction permit application for modification.

(2) Give written notice of a reclassification to the governing body or owner and to the ~~certified operator in~~ responsible charge **operator** indicating the following:

(A) The classification of certified operator that is necessary to supervise the reclassified wastewater treatment plant.

(B) A date by which time a certified operator required according to clause (A) must be in responsible charge

of the reclassified wastewater treatment plant.

(b) A wastewater treatment plant may be reclassified by the commissioner if one (1) of the following situations exists:

- (1) The wastewater treatment plant utilizes special or complex equipment or features of design requiring more difficult operation.
- (2) The wastewater is unusually difficult to treat.
- (3) More than ordinary chemical or bacteriological controls are required.
- (4) An unusually high degree of skill is required in the operation of the wastewater treatment plant to assure continuous production of effluent that meets the water quality requirements of the receiving stream and the national pollutant discharge elimination system (NPDES) permit limitations.

(Water Pollution Control Board; [327 IAC 5-22-6](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 965; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 7. [327 IAC 5-22-7](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-7](#) Qualifications to become a wastewater treatment apprentice or certified operator

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

~~Sec. 7. (a) In order to become a wastewater treatment plant certified operator, a person must:~~

- ~~(1) meet the minimum qualifications specified in subsection (b); and~~
~~(2) pass the wastewater treatment certification examination required by the commissioner unless exempted by statute or rule.~~

~~(b) Prior to (a) Before~~ **Before** applying to take for the commissioner's wastewater treatment certification examination, a person must have the following qualifications: **(1) The educational skills necessary to do the following:**

~~(A) cipher fractions and decimals;~~

~~(B) read a linear scale;~~

(1) Make computations.

~~(C) (2) Calculate volumes of simple shapes;~~

~~(D) make simple computations of multiplication and division;~~

~~(E) (3) Keep records.~~

~~(F) (4) Read and write the English language to the extent of interpreting service manuals and work orders and submitting written reports. and~~

~~(G) understand basic principles of science and sanitation.~~

(b) A person may take the commissioner's wastewater treatment certification examination before obtaining the educational and experience requirements specified in section 7.3 of this rule. In order to become classified as a wastewater treatment apprentice, a person must pass the wastewater treatment certification examination required by the commissioner.

(c) In order to become a wastewater treatment certified operator, a person must:

(1) pass the wastewater treatment certification examination required by the commissioner unless exempted by statute or rule;

(2) have the formal education specified in section 7.3 of this rule; and

(3) have the experience that is specified in section 7.3 of this rule and acceptable to the commissioner in the field of wastewater treatment that:

~~(A) demonstrates the examination applicant's technical knowledge;~~

~~(B) can be verified based on information from available sources, primarily the applicant's wastewater treatment plant employer; and~~

~~(C) is the result of satisfactory accomplishment of wastewater treatment plant work. measured from the date of employment of the applicant to the end of the thirty (30) day grading period following the examination.~~

~~(e) (d)~~ **In accordance with [327 IAC 8-12-3.2](#)(e), a grade WT3, WT4, and WT5 operator is qualified shall be considered to have met the educational and experience requirements necessary to apply for the appropriate**

wastewater treatment certification to treat wastewater from a water treatment plant provided the operator is certified to operate that classification of water treatment plant.

(Water Pollution Control Board; [327 IAC 5-22-7](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 965; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 8. [327 IAC 5-22-7.3](#) IS ADDED TO READ AS FOLLOWS:

[327 IAC 5-22-7.3](#) Educational and experience requirements necessary for a certified operator

Authority: [IC 13-14-8](#); [IC 13-18-11-3](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec 7.3. Educational and experience requirements necessary to become a certified operator in each of the classes of wastewater treatment plants are as follows:

(1) Class I-SP and Class A-SO certified operator applicants must have attained the following:

(A) A high school diploma or equivalent education.

(B) Six (6) months of acceptable experience in a wastewater treatment plant.

(2) Class I and Class A certified operator applicants must have attained the following:

(A) A high school diploma or equivalent education.

(B) One (1) year of acceptable experience at a wastewater treatment plant.

(3) Class II and Class B certified operator applicants must have attained the following:

(A) A high school diploma or equivalent education.

(B) Three (3) years of acceptable experience at a wastewater treatment plant.

(4) Class III and Class C certified operator applicants must have attained the following:

(A) A high school diploma or equivalent education.

(B) Three (3) years of acceptable experience at a wastewater treatment plant of one (1) or more of the following classes:

(i) Class II.

(ii) Class III.

(iii) Class IV.

(iv) Class B.

(v) Class C.

(vi) Class D.

(C) Two (2) years of the three (3) years experience required by clause (B) must be in a position of responsible charge operator at a wastewater treatment plant of one (1) or more of the following classes:

(i) Class II.

(ii) Class III.

(iii) Class IV.

(iv) Class B.

(v) Class C.

(vi) Class D.

In Class III, Class C, and plants, the individual supervising and responsible for a major section of the plant or an operating shift may be credited with experience as responsible charge operator for the purpose of applying to take the certification examination.

(5) Class IV and Class D certified operator applicants must have attained the following:

(A) One (1) or more of the following educational degrees:

(1) A bachelor's degree with a major in an engineering, chemistry, or biological science curriculum.

(2) An associate's degree in a curriculum related to wastewater treatment.

(B) Five (5) years of acceptable experience at a wastewater treatment plant of one (1) or more of the following classes:

(i) Class III.

(ii) Class IV.

(iii) Class C.

(iv) Class D.

(C) Two (2) years of the five (5) years experience required by clause (B) must be in a position of responsible charge operator at a wastewater treatment plant of one (1) or more of the following classes:

(i) Class III.

- (ii) Class IV.
- (iii) Class C.
- (iv) Class D.

In Class IV and Class D plants, the individual supervising and responsible for a major section of the plant or an operating shift may be credited with experience as responsible charge operator for the purpose of applying to take the certification examination.

(Water Pollution Control Board; [327 IAC 5-22-7.3](#))

SECTION 9. [327 IAC 5-22-7.5](#) IS ADDED TO READ AS FOLLOWS:

[327 IAC 5-22-7.5](#) Application of a wastewater treatment apprentice to become a certified wastewater treatment operator

Authority: [IC 13-14-8](#); [IC 13-18-11-3](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 7.5. (a) A wastewater treatment apprentice shall fulfill the following requirements in order to become a wastewater treatment certified operator:

- (1) Meet the educational and experience requirements in section 7.3 of this rule that are applicable to the class of wastewater treatment certified operator the wastewater treatment apprentice is applying to become.
- (2) Fulfill the continuing education credit requirement in section 15(b) of this rule.
- (3) Complete a certification application on a form approved by the commissioner that:
 - (A) contains true and accurate information to the best of the wastewater treatment apprentice's knowledge; and
 - (B) is free of omissions and misrepresentations, either of which may result in rejection of the application or revocation of any certificate previously granted.
- (4) Submit a completed certification application, with the necessary fee, to the commissioner not later than six (6) years after the date of successfully completing the wastewater treatment certification examination.

If a wastewater treatment apprentice does not fulfill the requirements of this subsection and receive certification as a wastewater treatment operator, then the person must retake the commissioner's wastewater treatment certification examination in order to apply for the wastewater treatment operator certification under this section.

(b) The commissioner shall do the following:

- (1) Review a certification application and supporting documents and make a decision concerning the eligibility of a wastewater treatment apprentice for wastewater treatment operator certification.
- (2) Issue a wastewater treatment operator certificate designating competency in the appropriate wastewater treatment classification to each wastewater treatment apprentice who:
 - (A) makes complete and timely application;
 - (B) meets the necessary requirements of education, experience, and continuing education; and
 - (C) has successfully completed a wastewater treatment class appropriate examination.

(Water Pollution Control Board; [327 IAC 5-22-7.5](#))

SECTION 10. [327 IAC 5-22-8](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-8](#) Certified operator classification eligible to operate class or classes of wastewater treatment plants

Authority: [IC 13-14-8](#); [IC 13-18-11-3](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 8. A wastewater treatment certified operator may possess a ~~valid~~ **current** certification in one (1) or more of the following ~~eleven (11)~~ **ten (10)** classes of certified operators **and may operate classifications of wastewater treatment plants as follows:**

~~(1) A Class operator in training (O.I.T.)~~ **I-SP certified operator is certified to operate** a Class for both industrial and nonindustrial **I-SP** wastewater treatment plant. operators to whom a certificate shall be issued for a nonrenewable, one (1) year period. In order to be an eligible examination applicant for this operator class, a person must have attained the following:

~~(A) A high school diploma or equivalent education.~~

~~(B) Three (3) months of acceptable experience in a wastewater treatment plant or completion of an approved training course.~~

~~(2) A Class A-SO~~ **certified operator is a class for industrial wastewater treatment plant operators of certified to operate a Class A-SO wastewater treatment plants.** In order to be an eligible examination applicant for this operator class, a person must have attained the following:

~~(A) Completion of high school or equivalent education.~~

~~(B) One (1) year of acceptable experience in a wastewater treatment plant.~~

~~(3) A Class I and~~ **certified operator is certified to operate:**

~~(A) Class I-SP; are classes for nonindustrial~~

~~(B) Class I;~~

~~(C) Class A-SO; and~~

~~(C) Class A;~~

~~wastewater treatment plant operators and plants.~~

~~(4) A Class A~~ **certified operator is a certified to operate:**

~~(A) Class for industrial A-SO; and~~

~~(B) Class A;~~

~~wastewater treatment plant operators. In order to be an eligible examination applicant for these operator classes, a person must have attained the following: plants.~~

~~(A) A high school diploma or equivalent education.~~

~~(B) One (1) year of acceptable experience at a wastewater treatment plant.~~

~~(4) (5) A Class II~~ **certified operator is a certified to operate:**

~~(A) Class for nonindustrial A-SO;~~

~~(B) Class A;~~

~~(C) Class I-SP;~~

~~(D) Class I; and~~

~~(E) Class II;~~

~~wastewater treatment plant operators, and plants.~~

~~(6) A Class B~~ **certified operator is a certified to operate:**

~~(A) Class for industrial A-SO;~~

~~(B) Class A; and~~

~~(C) Class B;~~

~~wastewater treatment plant operators. In order to be an eligible examination applicant for these operator classes, a person must have attained the following: plants.~~

~~(A) A high school diploma or equivalent education.~~

~~(B) Three (3) years of acceptable experience at a wastewater treatment plant.~~

~~(5) (7) A Class III~~ **certified operator is a certified to operate:**

~~(A) Class for nonindustrial A-SO;~~

~~(B) Class A;~~

~~(C) Class I-SP;~~

~~(D) Class I;~~

~~(E) Class II; and~~

~~(F) Class III;~~

~~wastewater treatment plant operators, and plants.~~

~~(8) A Class C~~ **certified operator is a certified to operate:**

~~(A) Class for industrial A-SO;~~

~~(B) Class A;~~

~~(C) Class B; and~~

~~(D) Class C;~~

~~wastewater treatment plant operators. In order to be an eligible examination applicant for these operator classes, a person must have attained the following: plants.~~

~~(A) A high school diploma or equivalent education.~~

~~(B) Three (3) years of acceptable experience at a wastewater treatment plant of one (1) of the following types:~~

~~(i) Class II.~~

~~(ii) Class III.~~

~~(iii) Class IV.~~

~~(iv) Class B;~~~~(v) Class C;~~~~(vi) Class D;~~~~(C) Two (2) years of the three (3) years experience required by clause (B) must be in a position of responsible charge at a wastewater treatment plant of one (1) of the following types:~~~~(i) Class II;~~~~(ii) Class III;~~~~(iii) Class IV;~~~~(iv) Class B;~~~~(v) Class C;~~~~(vi) Class D;~~~~(6) (9) A Class IV certified operator is a certified to operate:~~~~(A) Class for nonindustrial A-SO;~~~~(B) Class A;~~~~(C) Class I-SP;~~~~(D) Class I;~~~~(E) Class II;~~~~(F) Class III; and~~~~(G) Class IV;~~~~wastewater treatment plant operators, and plants.~~~~(10) A Class D certified operator is a certified to operate:~~~~(A) Class for industrial A-SO;~~~~(B) Class A;~~~~(C) Class B;~~~~(D) Class C; and~~~~(E) Class D;~~~~wastewater treatment plant operators. In order to be an eligible examination applicant for these operator classes, a person must have attained the following: plants.~~~~(A) A college degree with a major in a science curriculum or an associate's degree in a curriculum related to wastewater treatment.~~~~(B) At least five (5) years of acceptable experience at a wastewater treatment plant of one (1) of the following types:~~~~(i) Class III;~~~~(ii) Class IV;~~~~(iii) Class C;~~~~(iv) Class D;~~~~(C) Two (2) years of the five (5) years experience required by clause (B) must be in a position of responsible charge at a wastewater treatment plant of one (1) of the following types:~~~~(i) Class III;~~~~(ii) Class IV;~~~~(iii) Class C;~~~~(iv) Class D;~~

(Water Pollution Control Board; [327 IAC 5-22-8](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 966; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 11. [327 IAC 5-22-9](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-9](#) Substitution of qualifications

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 9. **Certification** education and experience qualifications required by ~~section 8~~ **section 7.3** of this rule may be fulfilled through substitutions based on the following table:

Class	Education	Total Required	Acceptable Experience	Substitution of	Substitution of
			Substitutable	Acceptable	Acceptable
			Education for	Experience for	Experience
			Acceptable	Responsible	

			Experience	Charge Experience	for Education
O.I.T.	High school diploma or G.E.D.	3 months	3 months See Note (4)	—	See Note (2)
A-SO A, I, and I-SP	High school diploma or G.E.D. equivalent.	4 year 6 months	0	—	See Note (2)
A and I	High school diploma or equivalent.	1 year	0	—	See Note (2)
B and II	High school diploma or G.E.D. equivalent.	3 years	1 year See Note (1)	—	See Note (2)
C and III	High school diploma or G.E.D. equivalent.	3 years at Class B, II, or higher and of which 2 years in responsible charge	1 year See Note (1)	See Note (5) (2)	See Note (2)
D and IV	College degree or equivalent See Note (3) (1)	5 years at Class C, III, or higher and of which 2 years in responsible charge	2 years See Note (1)	See Note (5) (2)	See Note (2)

Note (1): **Substitution of education for acceptable experience (AE): One (1) college semester equals sixteen (16) semester college credit hours, two hundred forty (240) contact hours, twenty-four (24) credit hours, or twenty-four (24) continuing education units equals (CEUs), one (1) year of acceptable experience (AE), or six (6) months of responsible charge experience (RCE). One (1) year of college equals thirty-two (32) college credit hours, four hundred eighty (480) contact hours, forty-eight (48) CEUs, two (2) years of AE, or one (1) year of RCE.** There is no substitution of education for responsible charge experience. The portion of education that is applied toward substitution for experience cannot be used for the education requirement.

Note (2): **AE, RCE, and educational experience are interchangeable at the following ratios:** One (1) year of experience **AE** equals two (2) years of high school, or six (6) months of college, ~~One (1) year of responsible charge experience equals one (1) year of college.~~ **or six (6) months RCE.** The portion of experience that is applied toward substitution for education cannot be used for the experience requirement.

Note (3): ~~One (1) year of college equals thirty-two (32) semester hours, forty-eight (48) credit hours, or four hundred eighty (480) contact hours.~~

Note (4): ~~Three (3) months of experience may be substituted with the completion of a comprehensive course in wastewater treatment approved by the commissioner.~~

Note (5): ~~Operational, responsible charge, and educational experience are interchangeable at the following ratios: Two (2) years of operational experience equals one (1) year of responsible charge experience. Two (2) years of operational experience equals one (1) year of college education or two (2) years of high school education. One (1) year of responsible charge experience equals one (1) year of college education or two (2) years of high school education. The portion of experience that is interchanged for another may not be used to satisfy any remaining experience requirement.~~

(Water Pollution Control Board; [327 IAC 5-22-9](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 967; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 12. [327 IAC 5-22-10](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-10](#) Responsibilities of owner or governing body of a wastewater treatment plant

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 10. (a) The owner or governing body of a wastewater treatment plant shall **be responsible to accomplish the following:**

(1) Provide adequate funding and oversight to ensure the proper:

- (A) operation;
- (B) maintenance;
- (C) management; and
- (D) supervision;

of the designated facilities.

(2) Place each wastewater treatment plant under the direct supervision of one (1) certified operator to be in responsible charge who:

- (A) holds a current certification of a classification eligible for operation at the classification of wastewater treatment plant;
- (B) makes process control or system integrity decisions about the overall daily operation,

maintenance, management, and supervision of each wastewater treatment plant necessary to meet the performance requirements and limits of:

- (i) the assigned permit;
- (ii) local ordinances; and
- (iii) other applicable regulatory requirements; and

(C) is responsible that written and electronic monitoring reports are prepared under his or her direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The responsible charge operator certifies that based on his or her inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, that the information submitted is, to the best of his or her knowledge and belief, true, accurate, and complete.

(3) Notify the commissioner when there is a change of the **name of the person serving as designated according to subdivision (2) to be the certified operator in responsible charge.** ~~of the wastewater treatment facility. The~~

(4) **Submit written** notification ~~shall be made to the commissioner~~ **not later than thirty (30) days after the occurrence of a change in one (1) of the following:**

(A) **The person serving as the certified operator in responsible charge of the wastewater treatment plant.**

(B) **Conditions or circumstances that were used as the basis for the original classification of the wastewater treatment plant.**

(5) **The responsibilities of the owner or governing body described in this section may not be delegated.**

~~(b) A certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant if it can be demonstrated that the certified operator will give adequate supervision to all units involved. As used in this section, "adequate supervision" means that sufficient time is spent at the wastewater treatment plant on a regular basis to assure that the certified operator is knowledgeable of the actual operations and that test reports and results are representative of the actual operational conditions.~~

(Water Pollution Control Board; [327 IAC 5-22-10](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 968; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 13. [327 IAC 5-22-10.5](#) IS ADDED TO READ AS FOLLOWS:

[327 IAC 5-22-10.5](#) Certified operator in responsible charge

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 10.5. (a) A certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant if the following requirements are met:

(1) The certified operator gives adequate supervision to each wastewater treatment plant under his or her responsible charge. As used in this section, "adequate supervision" means that time is spent on a regular basis, either on site at or through remote monitoring of the wastewater treatment plant to assure that:

(A) the certified operator is knowledgeable of the actual operations; and

(B) test reports and results are representative of the actual operational and compliance conditions.

(2) The certified operator in responsible charge ensures the proper:

(A) operation;

(B) maintenance;

(C) management; and

(D) supervision;

to each wastewater treatment plant under his or her responsible charge.

(3) Each wastewater treatment plant under the responsible charge of a single certified operator must be achieving the performance requirements and limits in the:

(A) assigned permit;

(B) local ordinances; and

(C) other applicable regulatory requirements.

(b) If adequate supervision and achievement of the performance requirements described in subsection (a)(3) are not achieved, the commissioner may initiate enforcement action that could result in the following:

- (1) Restrictions on the number of wastewater treatment plants under that certified operator's responsible charge.
- (2) The suspension or revocation of the wastewater treatment plant operator's certificate.

(c) The commissioner may request submission of documentation of the following:

(1) The:

- (A) name;
- (B) location; and
- (C) classification;

of each wastewater treatment plant under the responsible charge of the certified operator.

(2) The amount of time that the certified operator in responsible charge spends at each wastewater treatment plant of responsibility identified under subdivision (1).

(d) The commissioner shall evaluate information required by this section and any other information pertinent to one (1) or more of the wastewater treatment plants under the supervision of a certified operator in responsible charge of multiple wastewater treatment plants and may determine the following for each evaluated wastewater treatment plant:

- (1) Whether the time provided for supervision is adequate.
- (2) An amount of time that the certified operator in responsible charge shall be required to spend in the operation of each wastewater treatment plant.
- (3) A reduction of the number of wastewater treatment plants over which the certified operator may have responsible charge.

(Water Pollution Control Board; [327 IAC 5-22-10.5](#))

SECTION 14. [327 IAC 5-22-11](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-11](#) Examination of applicants to become a wastewater treatment apprentice or certified wastewater treatment operator

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 11. (a) A standardized examination prepared to reflect the duties and responsibilities required of each classification of wastewater treatment operator shall be:

(1) used to test:

- (A) knowledge;
- (B) ability; and
- (C) judgment;

of an applicant to become a certified wastewater treatment operator;

(2) conducted at least annually; and

(3) held at places and times established by the commissioner:

- (A) with at least sixty (60) days advanced announcement; and
- (B) except in such cases as may be declared necessary exceptions by the commissioner.

(b) A person wishing to be examined for wastewater treatment **apprenticeship or** certification shall fulfill the following requirements:

(1) Complete an application on a form approved by the commissioner that:

- (A) contains true and accurate information to the best of the applicant's knowledge; and
- (B) is free of omissions and misrepresentations, either of which may result in rejection of the application or revocation of any certificate previously granted.

(2) Submit a completed application, with the necessary fee, to the commissioner not later than forty-five (45) days preceding the date of the examination.

(c) The commissioner shall:

- (1) review an application and supporting documents concerning the eligibility of an applicant for wastewater treatment certification examination; and
- (2) issue a written notification in the form of an admission slip providing the time and place of the examination to be presented by an applicant deemed eligible for examination.

(d) A person who has been notified and scheduled to take an examination:

- (1) may submit a written request to the commissioner for a postponement to take the examination one (1) offering later than the examination granted by the commissioner if **the**:

(A) ~~the~~ postponement for a nonemergency reason is requested ~~no~~ **not** later than fourteen (14) days ~~prior to~~ **before** the examination date noticed to the applicant under subsection (c)(2);

(B) ~~the~~ postponement request for an emergency reason is submitted as soon as conditions of the emergency warrant;

(C) ~~the~~ applicant provides the commissioner an explicit description of extenuating circumstances necessitating the requested postponement; and

(D) ~~the~~ applicant understands that only one (1) postponement shall be allowed; or

- (2) will be considered to have failed that examination if one (1) of the following occurs:

(A) The person:

(i) does not attend the examination; and

(ii) has not requested a postponement according to subdivision (1).

(B) The person is caught cheating on an examination, an occurrence that will make an applicant ineligible to take any operator certification examination for a period of two (2) years following the examination date of the incidence of cheating.

(e) Completed examinations shall be managed by the commissioner according to the following:

- (1) Graded in a manner prescribed by the commissioner with a minimum result of seventy percent (70%) needed in order to pass the examination.

- (2) The commissioner shall notify an applicant of the examination result:

(A) in writing; and

(B) ~~no~~ **not** later than two (2) months after the date of the examination.

- (3) Examination papers shall be retained by the commissioner with an opportunity afforded to an applicant notified of having failed the examination for review of the graded examination until a date ninety (90) days ~~prior to~~ **before** the next scheduled examination if the applicant submits the following to the commissioner:

(A) A written request for review of the graded examination.

(B) A statement affirming the applicant's understanding that examination review does not include the right to copy, by any means, the examination or any portion of it.

(f) A person previously certified as a wastewater treatment operator under this rule but who has failed to meet the renewal requirements according to section 14 of this rule must fulfill the following:

(1) Qualify under this rule.

~~(1) (2)~~ Retake an examination.

~~(2) Successful completion of continuing education requirements in the amount required for one (1) renewal period as specified in section 15 of this rule.~~

~~(g) The following exceptions may allow~~ A person ~~to~~ **may** receive wastewater treatment certification without taking an examination

~~(1) A~~ **if** the person seeking wastewater treatment operator's certification by reciprocal recognition or on a provisional basis according to section 13 of this rule ~~may file files~~ an application required by subsection (b) at the applicant's convenience, subject to expiration dates delineated in other sections of this rule.

~~(2) A certified operator holding a valid nonindustrial wastewater treatment certificate for Class I, Class II, Class III, or Class IV may obtain a Class A industrial certificate without examination by submitting an application required by subsection (b) for the Class A certificate.~~

~~(3) A certified operator holding a valid industrial certificate for Class A, Class B, Class C, or Class D may obtain a Class I nonindustrial certificate without examination by submitting an application required by subsection (b) for the Class I certificate.~~

(Water Pollution Control Board; [327 IAC 5-22-11](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 968; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 15. [327 IAC 5-22-12](#) IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-12 Wastewater treatment certification fees

Authority: [IC 13-14-8](#); [IC 13-18-11-6](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11-15](#)

Sec. 12. (a) Fees for wastewater treatment operator certification shall be as follows:

- (1) Certification including certificate examination: \$30
- ~~(2) Certification by examination for a new classification \$30~~
- ~~(3)~~ **(2) Certified operator** biennial renewal fee: \$30

(b) An application fee will not be returned to an applicant who:

- (1) is deemed by the commissioner to be ineligible for wastewater certification examination;
- (2) does not receive a minimum score of seventy percent (70%) according to section 11(e)(1) of this rule; or
- (3) has violated section 11(d)(2)(B) of this rule by cheating on the operator certification examination.

(Water Pollution Control Board; [327 IAC 5-22-12](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 969; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 16. [327 IAC 5-22-13](#) IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-13 Certification; reciprocity; provisional certificate

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11-9](#)

Sec. 13. (a) The commissioner shall issue a certificate designating competency in the appropriate certified operator's classification to each person who:

- (1)** makes proper application if the applicant meets the necessary requirements of education and experience; and
- (2)** has successfully completed a class appropriate examination.

Upon successful completion of examination according to section 11 of this rule, the commissioner shall issue a certificate in the wastewater treatment operator classification for which the applicant was examined.

(b) The commissioner may issue a certificate by reciprocity as outlined in [IC 13-18-11-9](#) if the following conditions are met:

- (1) A person seeking reciprocal certification submits an application for such a certificate that includes the following:

- (A) Proof of current certification.
- (B) **The** classification of the applicant.

- (2) A person from another state seeking a certificate by reciprocity earns the number of continuing education contact hours for future renewal periods in the time period required by section 15 of this rule though no continuing education contact hours shall be required at the time of conferring the reciprocal certification.

(c) The commissioner may issue a provisional wastewater treatment operator's certificate if the following occur:

- (1) The governing body or owner of a wastewater treatment plant submits a written request specifying a reason necessitating the provisional certification, including one (1) of the following:

- (A) To fill a vacancy created by death.
- (B) Resignation of the certified operator in responsible charge.
- (C) Extended illness of the certified operator in responsible charge.
- (D) Suspension or revocation of the certification of the operator in responsible charge.**
- (E) Similar cause as determined by the commissioner.**

- (2) The written request required by subdivision (1) provides the:

- (A)** name;
- (B)** education; and
- (C)** experience;

of the person for whom the provisional certificate is requested.

(3) The provisional certificate nominee named under subdivision (2) submits, simultaneously with the request submitted under subdivision (1), an application as required by section 11(b) of this rule requesting examination and certification.

(4) The provisional certificate nominee named under subdivision (2) ~~is eligible for the next scheduled wastewater~~ **currently meets the educational and experience requirements for the appropriate class of certification.** ~~examination.~~

(d) A provisional certificate shall be:

(1) issued by the commissioner in the form of a letter that specifies the conditions of the certification; and

(2) valid for the shorter of the following lengths of time:

(A) The period between the date of application and ~~the end of the thirty (30) day grading period~~ **sixty (60) days** following the next examination that is available to the provisional certificate nominee.

(B) One (1) year.

(Water Pollution Control Board; [327 IAC 5-22-13](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 969; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 17. [327 IAC 5-22-14](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-14](#) Certificates and certification cards; renewal; duplicates

Authority: [IC 13-14-8](#); [IC 13-18-11-4](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11-6](#)

Sec. 14. (a) A wastewater treatment operator's certificate shall:

(1) be issued after an applicant's successful completion of the classification appropriate examination;

(2) specify the:

(A) month and year that the applicant qualified; and ~~the~~

(B) issuance date of the certificate;

(3) be permanent in nature but will be effective only when validated by a current certification card; and

(4) not be valid if obtained through:

(A) fraud;

(B) deceit; or

(C) the submission of inaccurate data on the examination application.

(b) A certificate, issued on the basis of the applicant's having been in responsible charge of a wastewater treatment plant ~~prior to~~ **before** July 1, 1968, shall remain valid until one (1) of the following occurs:

(1) A change in the classification of the wastewater treatment plant for one (1) of the following reasons:

(A) Increased capacity.

(B) An increase in population served.

(C) A basic change in the method of wastewater treatment.

(D) Other change in conditions ~~which~~ **that** requires a more difficult operation.

(2) The operator is no longer in direct responsible charge.

~~(c) A wastewater treatment certified operator must:~~

~~(1) provide permanent and visible display of his or her certificate at the wastewater treatment plant office; and~~

~~(2) obtain a duplicate certificate to display in the office of each wastewater treatment plant supervised, if the certified operator supervises more than one (1) wastewater treatment plant.~~

~~(d)~~ **(c)** A certification card shall:

(1) be issued for a time period of ~~no not~~ more than ~~twenty-four (24)~~ **twenty-five (25)** months; and

(2) expire on the last day of June nearest the end of the biennial period following the certification card issuance.

~~(e)~~ **(d)** A wastewater treatment certified operator needing a replacement or duplicate certificate must submit a written request to the commissioner, including the following information:

(1) The class of wastewater treatment operator.

(2) The name and classification of the wastewater treatment plant to be operated.

- (3) The date of issuance of the original certificate, if known.
- (4) The certificate number.

(f) **(e)** The commissioner shall accomplish the following:

- (1) Issue a renewal notification to each certified wastewater treatment plant operator stating the following:
 - (A) The expiration date of the certified operator's certification card.
 - (B) The amount of fee required for certification card renewal.
- (2) Mail certification card renewal notifications:
 - (A) at least thirty (30) days ~~prior to~~ **before the** expiration of the certification card; and
 - (B) to the last known address filed with the commissioner.
- (3) Renew a certification card if:
 - (A) the continuing education requirements of section 15 of this rule are met;
 - (B) a renewal fee is submitted on or before the first day of July of the biennial period for which a certification card is to be issued; and
 - (C) the notice is signed and returned by the certified operator to the commissioner.
- (4) Reinstate certification if the certified operator:
 - (A) submits payment of: ~~any~~ **(i) all** arrearage of fees; **and** ~~(B) submits payment of (ii) the current renewal fee;~~
 - ~~(C) (B) fulfills all~~ **(B)** fulfills **all** arrearage of continuing education credit requirements; and
 - ~~(D) (C) is current in meeting continuing education credit requirements.~~
- (5) Deny renewal of a certification card that is not renewed within the time limit established in this section and IC 13-18-11-6(c). ~~unless the A wastewater treatment plant operator pursues reinstatement through reapplication and who fails to renew a certificate for three (3) successive years may not receive a renewal certificate without reexamination. following the requirements of section 11 of this rule.~~

(Water Pollution Control Board; 327 IAC 5-22-14; filed Nov 20, 2000, 4:07 p.m.: 24 IR 970; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 18. 327 IAC 5-22-15 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-15 Continuing education requirements for wastewater treatment apprentices and certified operators

Authority: IC 13-14-8; IC 13-18-11-13

Affected: IC 13-18-11

Sec. 15. (a) A ~~certified wastewater treatment operator~~ **apprentice** shall fulfill continuing education requirements in amounts specified in Table 15(b) during each two (2) year period following the issuance of the ~~certification card~~ **apprentice classification** and ~~prior to having that certification card renewed. before achieving status as a certified wastewater treatment plant operator.~~

(b) Continuing education credits required for eligibility in the following classifications of wastewater treatment apprentices are listed in the following table:

Table 15(b)	
Wastewater Treatment Apprentice Classification	Continuing Education Credits Required During Each Two (2) Year Period of Apprenticeship
Apprentice I-SP	5 contact hours
Apprentice A-SO	5 contact hours
Apprentice I	10 contact hours
Apprentice A	10 contact hours
Apprentice II	10 contact hours
Apprentice B	10 contact hours
Apprentice III	20 contact hours
Apprentice C	20 contact hours
Apprentice IV	20 contact hours
Apprentice D	20 contact hours

(c) A certified wastewater treatment operator shall fulfill continuing education requirements in amounts specified in Table 15(d) during each two (2) year period following the issuance of the certification card and before having that certification card renewed.

~~(b)~~ (d) Continuing education credits required for certification card renewal in the following classifications of certified wastewater treatment operators are listed in the following table:

Table 15~~(b)~~ 15(d)

Certified Wastewater Treatment Operator Classification	Continuing Education Credits Required for Renewal
Class O-I.T.	No continuing education required; certification card not renewable
Class I-SP	5 contact hours
Class A-SO	5 contact hours
Class I	10 contact hours
Class A	10 contact hours
Class II	10 contact hours
Class B	10 contact hours
Class III	20 contact hours
Class C	20 contact hours
Class IV	20 contact hours
Class D	20 contact hours

(e) (e) Continuing education credits required according to Table 15(b) and Table 15(d) must adhere to a distribution of subject matter according to the following:

(1) A minimum of seventy percent (70%) of the required continuing education contact hours shall be obtained from the technical category of approved continuing education courses **that address technical matters related directly to wastewater treatment plant and sewer system operations, maintenance, management, or supervision.**

(2) ~~No~~ Not more than thirty percent (30%) of the required continuing education contact hours shall be obtained from nontechnical subject matter of approved continuing education courses **that enhance the performance of the certified operator's responsibilities but are not directly related to wastewater treatment plant and sewer system operations, maintenance, management, or supervision.**

~~(d)~~ (f) A person having a valid certification card in more than one (1) wastewater treatment operator classification:

(1) **apprenticeship or certification** may be given duplicate continuing education credit from a single approved continuing education course for each wastewater treatment **apprenticeship or certification** to which the subject matter is applicable. and

~~(2) must obtain the greatest number of continuing education contact hours required by the various certifications held within the shared one (1) year of certification overlap in order not to be required to obtain continuing education for each certificate held.~~

(Water Pollution Control Board; [327 IAC 5-22-15](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 970; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 19. [327 IAC 5-22-16](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-16](#) Continuing education credit; criteria for approval

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 16. (a) Continuing education contact hour credit shall be given only for completed course work that has been approved by the commissioner according to the following:

(1) A training provider has submitted an application and received continuing education course approval from the commissioner ~~prior to~~ **before** publicly offering a wastewater treatment continuing education course. The

application: ~~must~~:

- (A) **must** be submitted on a form approved by the commissioner;
- (B) **should** be submitted ~~no~~ **for advance approval not** less than sixty (60) days before the first date when the course is conducted, **but must be submitted not later than ninety (90) days after training completion in order to be considered for approval;**
- (C) **must** be accompanied by a written course outline or brochure; and
- (D) **must** contain:
 - (i) **the** name, address, and telephone number of a course sponsor, training provider, or other contact person;
 - (ii) **the** name of **the** course;
 - (iii) specific topics that are included in the course presentations;
 - (iv) **the** amount of time devoted to each topic;
 - (v) **the** instructor's name and qualifications, including:
 - (AA) educational background;
 - (BB) professional experience; and
 - (CC) current professional affiliation; ~~and~~
 - (vi) ~~dates and~~ **the schedule, anticipated** locations, ~~where the course will~~ **and number of times the training is anticipated to be offered;**
 - (vii) **the method of training delivery, such as on-site lecture, electronic means, or other means as specified by the training course provider; and**
 - (viii) **the method of attendance verification for record keeping and reporting, such as the following:**
 - (AA) Sign in and sign out sheets.
 - (BB) Electronic tracking.
 - (CC) Date stamping.
 - (DD) Other means as specified by the training course provider.
- (2) The wastewater treatment continuing education course meets the following requirements:
 - (A) The course deals with one (1) or more of the following as determined by the commissioner:
 - (i) Technical matters related directly to wastewater treatment **plant and sewer system operations, maintenance, management, or supervision.**
 - (ii) General matters ~~related to that enhance the responsibilities of a performance of the~~ **certified operator's responsibilities but are not directly related to wastewater treatment plant and sewer system operations, maintenance, management, or supervision.**
 - (B) Each instructor and speaker is qualified by academic work or practical experience to teach the proposed wastewater treatment continuing education course.

(b) A certified wastewater treatment operator may petition the commissioner for approval of a wastewater treatment continuing education course if the following procedures are met:

- (1) An application of petition is submitted to the commissioner prior to ~~or within thirty (30) days of~~ course completion **or as soon as practical afterwards but not later than ninety (90) days after training completion in order to be considered for approval.**
- (2) The application must contain the information required by subsection (a)(1)(A), (a)(1)(C), and (a)(1)(D).
- (3) The certified operator must supply written proof of attendance at the wastewater treatment continuing education course within ~~thirty (30)~~ **ninety (90)** days following course completion.

(c) Credit will not be granted for repeating the same training course within a renewal period.

~~(e)~~ **(d)** A certified operator who is an instructor or speaker at a wastewater treatment continuing education course shall be credited the same number of contact hours as the students of the course **for not more than one (1) presentation of the training.**

~~(d) Continuing education contact hours earned in another state, whether that state has reciprocity with Indiana for the purpose of transferring a certificate of wastewater treatment operator competency, may be eligible for credit if the following are met:~~

- ~~(1) The commissioner is provided the information required by subsection (a)(1)(A), (a)(1)(C), and (a)(1)(D) for the course work from which the contact hours were earned.~~
- ~~(2) The information required by subdivision (1) is submitted to the commissioner.~~
- ~~(3) The commissioner approves the course work from which the contact hours were earned.~~

(e) Partial credit shall not be given to:

- (1) instructors;
- (2) speakers; or
- (3) students;

participating in less than a complete wastewater treatment continuing education course.

(Water Pollution Control Board; [327 IAC 5-22-16](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 971; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 20. [327 IAC 5-22-17](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-17](#) Continuing education credit; training provider responsibilities

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 17. (a) A training provider shall generate records of each wastewater treatment continuing education course conducted that include the following:

- (1) The date of the wastewater treatment continuing education course.
- (2) The name of each person in attendance at the wastewater treatment continuing education course.
- (3) The length of time of the course.
- (4) The instructor's name.
- (5) The course ~~content~~ **name and approval number**.
- (6) The name of the organization sponsoring the course.

(b) Records required by subsection (a) shall be maintained for a ~~five (5)~~ **three (3)** year period following the presentation of each wastewater treatment continuing education course.

(c) A training provider must submit the information required by subsection (a) to the commissioner according to the following:

- (1) On a form approved by the commissioner.
- (2) Within ~~thirty (30)~~ **ninety (90)** days of the conclusion of the wastewater treatment continuing education course.

(Water Pollution Control Board; [327 IAC 5-22-17](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 972; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

SECTION 21. [327 IAC 5-22-18](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-22-18](#) Suspension or revocation of certification

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 4-21.5](#); [IC 13-18-11-8](#)

Sec. 18. (a) The commissioner may suspend or revoke the wastewater treatment certificate of a wastewater treatment certified operator, following a hearing pursuant to **under** [IC 4-21.5](#), if it is found that the certified operator has violated any provision of [IC 13-18-11-8](#).

(b) During the period of certification suspension or revocation, a wastewater treatment plant operator who has had his or her wastewater treatment operator's certificate suspended or revoked may not do the following:

- (1) Be designated as the operator in responsible charge or as an operator in responsible charge for a work shift.
- (2) Supervise maintenance activities.
- (3) Supervise laboratory testing.
- (4) Collect, prepare, or sign self-monitoring documentation, including, but not limited to, the following:
 - (A) Laboratory bench sheets.
 - (B) State monthly monitoring reports.

- (C) State monthly reports of operation.
- (D) Federal discharge monitoring reports.
- (E) Noncompliance notifications.
- (F) Bypass/overflow reporting forms.
- (G) Other wastewater treatment plant self-monitoring documentation.
- (5) Be a training provider or course instructor of a continuing education course.

(c) A wastewater treatment plant operator who has had his or her operator's certificate suspended may apply for reinstatement of the operator's certificate according to the following:

- (1) The period of suspension has expired.
- (2) A written request for reinstatement is submitted to the commissioner with proof of the following:
 - (A) All requirements of the suspension have been met.
 - (B) The number of continuing education units that would have been required for the operator's classification during the period of the suspension of the operator's certificate have been met.

(d) A wastewater treatment plant operator who has had his or her operator's certificate revoked may apply to the commissioner for recertification after a five (5) year period. If the commissioner allows recertification, the wastewater treatment plant operator must:

- (1) qualify under this rule; and
- (2) take the certification exam for the classification requested for recertification.

(Water Pollution Control Board; [327 IAC 5-22-18](#); filed Nov 20, 2000, 4:07 p.m.: 24 IR 972; readopted filed Aug 17, 2006, 10:31 a.m.: [20060830-IR-327060183BFA](#))

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